

**Remarks**

With the cancellation of claim 48, claims 28-47 and 49-54 are now pending in the above-referenced application. Applicants thank the Examiner for the consideration given to Applicants' arguments regarding the appropriate standard for evaluating unity of invention in national stage applications filed under Section 371.

Claims 28-30, 32, 33, 36, 37, 47, 51, and 52 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 5,948,717 to Klemm et al. ("Klemm"). With respect to claim 28, Applicants respectfully submit that Klemm does not identically teach every limitation in the claim, as is required when a claim is to be properly rejected under Section 102, because Klemm does not teach both an upper and a lower limit of partial nitrogen pressures so that the silicon nitride is stable at the lower limit and the metal silicide is stable at the upper limit. The graph in Figure 1 of Klemm pertains merely to the relationship between nitrogen pressure and temperature for the formation of various phases of metal silicides. Column 2, lines 58-60. As the Figure illustrates, various regions are shown pertaining to different kinds of metal silicides, but nowhere in this Figure or in any other portion of the specification is there a discussion or even suggestion regarding a limit for partial nitrogen pressures at which the silicon nitride is stable. Therefore, in view of this discussion, Applicants submit that Klemm does not anticipate claim 28.

As for claims 29-46, Applicants submit that these claims are patentable for at least the same reasons given in support of the patentability of claim 28.

With respect to claim 47, Applicants have amended the claim to incorporate the subject matter of now-canceled claim 48, so that the claim now recites that the metal silicide contains carbon. No such teaching is found in Klemm. Although Klemm recites in its own claim 9 two carbon-containing materials, SiC and TiC, neither of these materials is a metal silicide and therefore neither can be relied upon to show this limitation of claim 47. Therefore, in view of this discussion, Applicants submit that claim 47 is patentable over Klemm.

As for claims 49-54, Applicants submit that these claims are patentable for at least the same reasons given in support of the patentability of claim 47.

Serial No. 09/555,777



[10191/1438]

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In The Claims**

Claims 47 and 49 are amended as set forth below:

47. (Amended) A silicon-containing composite material comprising a silicon-containing material made of  $\text{Si}_3\text{N}_4$  and a metal silicide, wherein the metal silicide is selected from the group of  $\text{Nb}_5\text{Si}_3$ ,  $\text{V}_5\text{Si}_3$ ,  $\text{Ta}_5\text{Si}_3$  and  $\text{W}_5\text{Si}_3$ , wherein the metal silicide contains carbon.

49. (Amended) The composite material of claim [48] 47, wherein the metal silicide contains carbon with a concentration specific to the composite material of about 0.3 % by weight to about 0.6 % by weight.

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